

**BEST AVAILABLE COPY****REMARKS****35 USC §102**

Claims 1- 5 were rejected under 35 USC §102 as being anticipated by Osterhout et al. (US 4523379).

Those rejections should be withdrawn. As previously amended, all claims (either directly or by virtue of their dependency) contain the limitation that the blade guard is biased towards the closed (safety) position. ("...a blade cover that is biased to cover a cutting edge and at least a portion of a side of the blade....") As a result, all claims require that the blade guard be forcibly opened to expose the blade.

Osterhout discloses just the opposite; a device that is biased towards the open position. In Osterhout force must be used to pull the blade guard away from the housing, and thereby close the guard over the knife blade. Indeed, it is this biasing towards the open position that provides for the automatic retraction of the blade cover. (see abstract, all figures, and especially col. 4, lines 3-9). It is true that Osterhout teaches a latching mechanism that locks the blade guard in the closed position once it is pulled into that position. But locking a blade guard in the closed position is not at all the same thing as biasing the blade guard into the closed position.

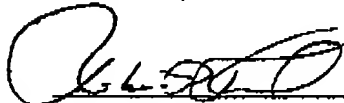
In the event the language was not perfectly clear on the distinction, the applicant herein amends Claim 1 to recite that the "blade cover ... is biased towards the safety position...." among other things, this clarifies that the biasing of the blade cover is towards the closed (safety) position, rather than merely being locked or even biased while in the closed (safety) position.

**REQUEST FOR ALLOWANCE**

Claims 1-5 are pending in this application. The applicants request allowance of all pending claims.

Respectfully submitted,

Rutan & Tucker,

A handwritten signature in black ink, appearing to read "R.D. Fish", is written over a horizontal line.

Robert D. Fish, Esq.  
Reg. No. 33880

Dated: September 14, 2004

Attorneys for Applicant(s)  
Rutan & Tucker LLP  
611 Anton Boulevard, Fourteenth Floor  
Costa Mesa, CA 92626-1998  
Tel: (714) 641-5100  
Fax: (714) 546-9035

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**